

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEVE FREEDMAN,

Plaintiff,

V.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

No. 1:16-CV-03033-RHW

ORDER GRANTING MOTIONS FOR REMAND

Before the Court are two motions to remand. On November 28, 2016, the Commissioner filed a Motion to Remand that acknowledged error occurred in the lower proceedings and requested the Court to use its discretion to determine whether Mr. Freedman was disabled or to remand for further proceedings. ECF No. 20. On November 29, 2016, the parties filed a Stipulated Motion for Remand and jointly move the Court to remand for further administrative proceedings. ECF No. 21.

Based on the agreement of the parties and the record, the Court finds good cause to grant both motions. Accordingly, the Commissioner's decision to deny Plaintiff's application for disability benefits is **REVERSED** and **REMANDED** for

ORDER GRANTING MOTIONS FOR REMAND ~ 1

further proceedings including a de novo hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the administrative law judge shall: (1) further develop the record; (2) reevaluate and weight the medical opinions of record and resolve any conflicts among the opinions, with reference to specific evidence of record; (3) reevaluate Mr. Freedman’s allegations regarding symptoms and limitations; (4) reassess the residual functional capacity; (5) obtain supplemental vocational expert evidence; and (6) obtain a consultative examination or medical expert testimony to address Mr. Freedman’s impairments and limitations.

Accordingly, IT IS HEREBY ORDERED:

1. Defendant's Motion for Remand, **ECF No. 20**, is **GRANTED**.
2. The Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**.
3. The Commissioner's decision is **REVERSED** and this matter is **ANDED** for further administrative proceedings consistent with this order.
4. Reasonable attorney fees shall be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward copies to counsel, and **close the file**.

DATED this 2nd day of December, 2016.

s/Robert H. Whaley
ROBERT H. WHALEY
Senior United States District Judge